

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Servants - Smt. V. Jaya, L.D. Steno, O/o. the Director of Distilleries & Breweries, A.P, Hyderabad (now Retired) - Un-authorised absence to duty more than 20 years - Disciplinary Proceedings - Penalty of withholding of retirement Gratuity - Imposed - Orders - Issued.

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REVENUE (VIGILANCE-V) DEPARTMENT

G.O.Rt.No. 677 .

Dated:11-5-2009.

Read the following:-

1. Charge Memo Cr. No. A1/377/98/DDB/Ex. Dated 24.4.2003 of Director of Distilleries & Breweries, A.P, Hyderabad.
2. From Smt. V.Jaya, LD. Steno, written statement of defence dated 8.5.2003.
3. DDB Cr. No. A1/377/97/DDB/Ex. Dated 18.8.2003.
4. From the Joint Director (Distilleries & Breweries), O/o. the Director of Distilleries & Breweries, AP,Hyd. Letter dated 16.12.2003.
5. From the DDB, AP, Letter Cr. No. A1/377/97/DDB/Ex. Dated 26.7.2006.
6. Govt. Memo No. 34075/Vig.V(1)/2006-2, Dated 27.9.2006 of Rev. (Vig.V) Deptt.,
7. From the DDB, letter Cr. No. A1/377/97/DDB/Ex. Dated 21.3.2007.
8. Memo No. 14469/Vig.V(1)/2007-3, Dated 13.8.2007 of Rev. (Vig.V) Dept.,
9. Memo No. 14469/Vig.V(1)/2007-4, Dt: 29.10.2007 of Rev. (Vig.V)Dept.,From the CDB, Letter Cr. No.A1/377/1997/DDB/Ex, Dt: 25.2.2008.
10. APAT judgment dated 28.11.2008 in OA.No. 1784/2008 with VMA No. 491/20089 and CA NMo. 449/2008.
11. From the CDB, Letter Cr. No. A1/377/97/DDB/Ex. Dt: 21.2.2009.
12. Govt. Letter No. 14469/Vig.V(1)/2007-12, Dated 18.3.2009 of Rev.(Vig.V) Dept.,
13. From the Secretary, APPSC, Letter No. 402/RT-I/3/2009, Dated 23.4.2009.

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**ORDER:**

Smt. V. Jaya, LD Steno was appointed through A.P. Public Service Commission and joined duties as LD Steno in the O/o. the Commissioner,

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Distilleries & Breweries, A.P, Hyderabad on 24.10.1980. While working as such, Smt. V. Jaya, LD Steno had proceeded on maternity leave w.e.f. 6.2.1985 to 6.5.1985 and after expiry of the said leave, without joining to duty, she extended her leave upto 3.9.1985. The Director of Distilleries & Breweries, Hyderabad has not sanctioned any kind of leave as she is not having any leave at her credit and thus the individual was unauthorisedly absent from duty from 6.5.1985 onwards. The Director of Distilleries & Breweries issued necessary instructions to her to join duty and the individual without joining duty, submitted applications to sanction leave on medical grounds and the Director of Distilleries & Breweries referred the matter to Medical Board. But she even evaded attending before the Medical Board twice. The Director of Distilleries & Breweries keeping in view the unauthorized absence, dismissed the individual from service on 24.7.1996, after getting the matter inquired into by an Enquiry Officer.

2. Aggrieved by the dismissal orders issued by Director of Distilleries & Breweries, Smt. V. Jaya, LD Steno has approached APAT and filed OA.No. 324/97. The APAT in its orders dated 29.11.2001 has set aside the dismissal orders on the ground that no procedure under CCA Rules has been followed and the APAT has held that the respondents are however at liberty to strictly adhere to the CCA Rules and proceed against the applicant for the absence of the applicant, if it is considered unauthorized and take action as laid down under the CCA Rules.

3. The Director of Distilleries & Breweries keeping in view the said orders of APAT, being the disciplinary authority, has framed charges against Smt. V.Jaya, LD.Steno for her unauthorized absence for years together and evading appearance before the Medical Board etc., and directed to submit her written statement of defence, vide vide reference 1<sup>st</sup> read above. Smt. V.Jaya, LD.Steno submitted her w.s.d vide reference 2<sup>nd</sup> read above. After examination of the matter, the DDB in the reference 3<sup>rd</sup> read above, appointed the Joint Director of Distilleries and Breweries, O/o. the Director of Distilleries and Breweries as the Inquiring Authority under rule 20 of CCA Rules and the Joint Director (Technical), O/o. the Commissioner, P&E as Presenting Officer. The Inquiring Authority after conducting inquiry, submitted his report vide reference 4<sup>th</sup> read above and held that out of 4 charges framed, charges 2 & 4 are proved.

4. In the reference 5<sup>th</sup> read above, the Director of Distilleries & Breweries, Hyderabad has referred the matter to Government together with inquiry report with a request to pass appropriate orders regarding treating the absence period from the year 1985 to 2006. Government after examination of the matter, requested the Director of Distilleries & Breweries as he being the disciplinary authority to take action in the matter duly after taking final decision on the inquiry report and keeping in view the orders issued in G.O.Ms.No.260, GA (Ser.C) Dept. Dt: 4.9.2003 for removal of the individual from duty vide reference 6<sup>th</sup> read above.

5. In the reference 7<sup>th</sup> read above, the Director of Distilleries & Breweries, Hyderabad has referred the matter again to Government stating that Smt. V. Jaya, LD Steno retired from service on 30.9.2006 on superannuation and that the instructions issued for removal could not be implemented and requested the Government to conclude the case of individual under A.P.Revised Pension Rules, 1980.

6. Government have examined the matter with reference to charges, findings of Inquiring Authority and observed that Smt. V. Jaya, LD. Steno absented herself to duty nearly for a period of more than 20 years and she evaded to appear even before the Medical Board during 1989 & 1990 twice and reasons put forth by her are not convincing. From her joining day to duty to till her retirement, she served for

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4 years and 10 months only and the unauthorized absence of individual is more than 20 years. She is not eligible to receive minimum pension as her service is less than 10 years of qualifying service. Keeping in view the above, Government have, therefore, provisionally decided to impose the penalty of withholding of retirement gratuity of Smt. V. Jaya, LD. Steno (Retd.) to which she is eligible in terms of Rule 9 of A.P. Revised Pension Rules, 1980.

7. Accordingly, in the reference 8<sup>th</sup> read above, a show-cause notice was issued and directed the individual to submit her representation. Subsequently, the request of individual was also considered and granted one month's time to submit her representation which was served on the individual on 6.2.2008. Instead of submitting representation, Smt. V. Jaya, LD Steno (Retd.) has approached the A.P. Administrative Tribunal and filed O.A.No. 1784/2008. Government filed counter and the A.P. Administrative Tribunal in its orders 10<sup>th</sup> read above has dismissed the O.A filed by Smt. V. Jaya, LD Steno (Retd.)

8. Government after careful examination of the matter, have decided to confirm the provisional decision to impose the penalty on the individual as her plea was ultimately dismissed by Hon'ble Tribunal and addressed the A.P. Public Service Commission for concurrence. In the reference 13<sup>th</sup> read above, the Secretary, A.P.Public Service Commission has communicated the consent of Commission to impose the penalty.

9. The Government, after examination the matter and advice of the A.P. Public Service Commission, hereby impose the penalty of withholding of retirement gratuity on Smt. V. Jaya, L.D. Steno (Retd.)

10. The Commissioner, Distilleries & Breweries, A.P, Hyderabad shall take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SUDHIR  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
Smt. V. Jaya, L.D. Steno (Retd.)  
through the Commissioner, Distilleries & Breweries, AP, Hyderabad.  
The Commissioner, Distilleries & Breweries, AP, Hyderabad.  
Copy to:  
The Secretary, A.P. Public Service Commission, Hyderabad.  
PS to M(Excise)  
Prl. Secretary to Government, Revenue Department.  
Revenue (Excise I) Department.  
SF/SC.

// Forwarded:: By Order //

SECTION OFFICER.